

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

JOE R. HAWKE,

Plaintiff,

Case No. C-3-07-cv-108

-vs-

District Judge Thomas M. Rose

**MICHAEL J. ASTRUE,
Commissioner of Social
Security Administration**

Defendant

**ENTRY AND ORDER OVERRULING DEFENDANT'S OBJECTIONS (DOC. #12) AND
ADOPTING IN ITS ENTIRETY THE REPORT AND RECOMMENDATIONS (DOC. #11)
OF THE MAGISTRATE JUDGE, REMANDING THIS CASE TO THE COMMISSION
AND THE ADMINISTRATIVE LAW JUDGE PURSUANT TO SENTENCE 4 OF 42
U.S.C. SECTION 405(g); TERMINATION ENTRY**

This matter is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio, Western Division at Dayton, Ohio to United States Magistrate Judge Sharon Ovington. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and filed with this Court a Report and Recommendations (Doc. #11) on February 20, 2008. The Defendant filed Objections (Doc. #12) to said Report and Recommendations on February 26, 2008.

The Court has reviewed the comprehensive findings of the Magistrate Judge and considered de novo all of the filings in this matter including but not limited to the objections of both parties. Upon said consideration of the foregoing, the Court does determine that Defendant's Objections are

not well-founded and are therefore, OVERRULED. The Magistrate Judge's Report and Recommendations (Doc. #11) is ADOPTED in its entirety.

IT IS ORDERED AND ADJUDGED that the Commissioner's non-disability finding is VACATED, and that said case be REMANDED to the Commissioner and the Administrative Law Judge under Sentence 4 of 42 U.S.C. Section 405(g) for additional administrative proceedings consistent with the Magistrate's Report and Recommendations. This case is terminated on the docket of this Court.

IT IS SO ORDERED.

March 31, 2008

s/**THOMAS M. ROSE**

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE